

REMARKS

Claims 1-11, 13-35 and 39-42 are currently pending.

Claims 1-11, 13-35 and 39-42 are drawn to elected subject matter.

Claims 1, 29 and 33 have been amended to define the at least one nonionic polymer as free of hydrophobic chains, which is supported in the specification on page 5, lines 10-12.

Claim 28 has been amended in a grammatical, non-limiting manner to clarify the components combined in the claimed method.

No new matter is added upon entry of these amendments.

Applicants thank the Examiner for indicating that Claims 7, 9-11, 13, 21 and 27 as being allowable. In view of the amendments and remarks submitted herein, Applicants request allowance of all pending claims.

The rejection of Claims 1-6, 8, 14-20, 22-26, 28, 34, 35 and 39-42 as being obvious in view of the claims of U.S. serial no. 09/766,403 (the '403 application) is respectfully traversed.

The '403 application claims a nanoemulsion with oil globules with an average size of less than 150 nm, at least one oil, at least one amphiphilic lipid and at least one nonionic polymer comprising **at least one hydrophobic block** and at least one hydrophilic block. In contrast, in the claims of the present application, the nanoemulsion comprises a water-soluble nonionic polymer which is **free of hydrophobic groups**. The claims of the '403 application do not suggest such a polymer and therefore, the claims of the present application would not have been obvious based on the '403 claims. Withdrawal of this ground of rejection is requested.

The rejection of Claim 28 under 35 U.S.C. §112, second paragraph is addressed by the amendment. Withdrawal of this ground of rejection is requested.

Application No. 09/903,768

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Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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